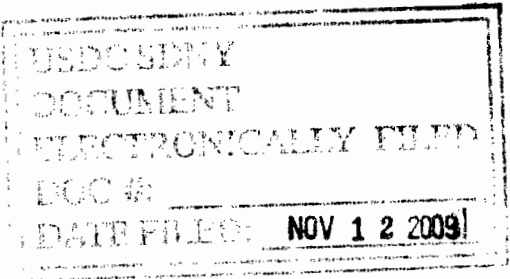


PANICLS, J



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RUSAL AMERICA CORP.,  
Plaintiff,  
-v-  
EULER HERMES AMERICAN CREDIT  
INDEMNITY COMPANY,  
Defendant.  
-----X

Index No. 09-cv-7165 (GBD)

**CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No additional parties may be joined after December 15, 2009, except on consent of all parties or by motion
2. No amendment to the pleadings will be permitted after January 29, 2010, except on consent of all parties.
3. Except for good cause shown, all discovery shall be commenced in time to be completed by March 31, 2010. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. Dispositive Motions are to be served by May 14, 2010. Answering papers are to be served within 30 days. Reply papers are to be served within 14 days. In the

event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.

5. A final pretrial conference will be held on May 21, 2010 at 9:30 a.m.
6. The Joint Pretrial Order shall be filed no later than April 30, 2010. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice
7. All motions and applications shall be governed by the Court's Individual Rules of Practice
8. The parties shall be ready for trial on 48 hours notice on or after seven (7) days after the pre-trial conference. The estimated trial time is five (5) days and this is a jury trial
9. The Next Case Management Conference will be held on \_\_\_\_\_ at 9:30 a.m.

Dated: November \_\_, 2009  
New York, New York

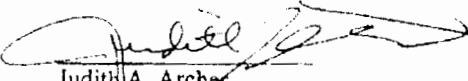
SO ORDERED:

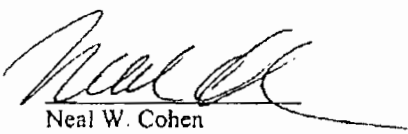
NOV 12 2009

By:

George B. Daniels  
United States District Judge

HON. GEORGE B. DANIELS

  
Judith A. Archer  
Attorney for Plaintiff

  
Neal W. Cohen  
Attorney for Defendant